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Paper No. 32

In re Application of  
Paul E. Dresens *et al*  
Application No. 09/909,863  
Filed: July 20, 2001  
Attorney Docket No. 0100.2016-00

Director's Office  
Group 3700 DECISION ON PETITION

This is a decision on the petition filed by facsimile transmission on May 29, 2003 by which petitioners request withdrawal of the technical state of abandonment that exists as a result of the failure to file a reply to the Office letter dated October 8, 2002. A Notice of Abandonment has not been mailed. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioners allege that this application is not abandoned because petitioners did not receive the Office letter in question. In support of this allegation, petitioners have made a showing as discussed at MPEP § 711.03(c). The showing has been reviewed and it clearly satisfies the requirements of the Notice published at 1156 OG 53 pertaining to abandonment resulting from nonreceipt of Office correspondence. Based upon the showing, it is clear this application is not technically abandoned. It is also noted that the originally mailed Notice of Allowance was returned to the Office by a firm not of record in this application.

Accordingly, this application is being forwarded to the Head Supervisory Applications Examiner for Technology Center 3700 to re-mail the office letter dated October 8, 2002, together with a complete all attachments thereto. The period for filing a reply to the re-mailed Office letter will run THREE MONTHS from the date upon which the new Notice of Allowance is mailed, and may be extended pursuant to 37 CFR 1.136(a).

PETITION GRANTED

Richard A. Bertsch, Director

Technology Center 3700

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